

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14057, of Springfield Baptist Church, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1) and the rear yard requirements (Sub-section 3304.1) to construct an educational annex to an existing church in an R-4 District at premises 1429 6th Street, N.W., (Square 479, Lot 43).

HEARING DATE: October 26, 1983
DECISION DATE: November 2, 1983

FINDINGS OF FACT:

1. The subject site is located on the southeast corner of the intersection of 6th and P Streets, N.W. and is known as premises 1429 6th Street, N.W. It is in an R-4 District.

2. The site is generally rectangular in shape with approximately 118.6 feet of frontage on P Street and approximately 147.8 feet of frontage on 6th Street. A rectangular "notch" of approximately fifty-eight feet by twenty-five feet occurs in the southeast portion of the lot. The southernmost lot line has a length of approximately 93.4 feet and the easternmost lot line a length of ninety feet. The lot contains approximately 16,066 square feet of land area.

3. The site is improved with an original church building on the northern portion of the site at the southeast corner of the intersection of 6th and P Streets, N.W. Immediately to the south of the old church along 6th Street is an existing addition connected to the original church by a staircase. Together, the structures occupy 9,028.46 square feet of the site.

4. The site is abutted on the south and east by residential dwellings. The surrounding area is characterized by row dwellings in the R-4 District. To the west of the site across 6th Street is a public playground.

5. The applicant proposes to construct a new three-story addition or annex immediately south of the existing church addition on 6th Street. The new addition will be a classroom building for religious education on Sunday. It will be interconnected with the existing church facility and occupy 2,950.97 square feet of the site.

6. A representative of the applicant testified that a three-story residential structure previously existed on the portion of the subject site where the proposed educational annex is to be constructed. The residential structure was initially intended to serve as the classroom building. It was razed based upon an inspection made by city inspectors and on the advice of the applicant's architect. The city inspector issued a notice that the structure would have to be repaired before an educational building could be established. Upon the advice of its architect, the applicant razed the residential structure. The residential structure had not been condemned by the Government.

7. The membership of the Springfield Baptist Church is over 5,000 persons. The proposed educational annex will provide classroom space for 100 children. The applicant testified that the Church does not have the proper classroom facilities, nor is there off-street parking for the Church's activity.

8. At present, the original church auditorium is not in use. The interior has been stripped to its masonry walls. It is planned to be renovated to provide additional auditorium space for church services.

9. The applicant testified that the original church auditorium was considered for classroom space but was determined to be inadequate in floor space. Expansion above the existing addition was considered but determined to be infeasible because the foundation was not designed to carry the load of an additional two stories.

10. There will not be any increased vehicular traffic to the site since the same persons attending church will also be using the educational building.

11. The R-4 District requires a minimum lot area of 4,000 square feet for the subject use. The lot contains 16,066.06 square feet.

12. A maximum lot occupancy of sixty percent or 9,639.634 square feet for the subject lot, is allowed. The existing building occupies 9,028.46 square feet. The addition is proposed to occupy 2,950.97 square feet, for a total lot occupancy of 11,979.43 square feet or 74.56 percent. This would require a variance of 2,339.796 square feet or 24.3 percent.

13. A rear yard of twenty feet is required. Because the property fronts on two streets, the applicant may select either street to be considered the front for zoning purposes. The applicant has elected to use P Street as the front. At present, the building has a rear yard of more than twenty

feet. With the addition, eight feet will be provided, requiring a variance of twelve feet or sixty percent.

14. No probative evidence was introduced into the record of any practical difficulty, inherent in the site itself, that the owner would suffer if the Zoning Regulations were strictly applied.

15. George H. Smith testified at the hearing that Springfield Baptist Church had violated the terms of a deed of trust by razing the building which had been at 1417 6th Street, N.W. Mr. Smith holds the mortgage to 1417 6th Street and was opposed to the application. The witness requested that the Board not hear the application on its merits until the Church meets its legal obligations. The Board advised Mr. Smith that the Board has no jurisdiction over such matters and his grievance should be taken to the proper forum. Mr. Smith was further advised that the Board can act on the variance application before it, even though his grievance may be outstanding.

16. Owners of 1405, 1406 and 1411 6th Street, N.W. appeared in opposition at the public hearing. In addition, letters of opposition were read into the record from the owner of 601 P Street, N.W. and an at-large member of the Neighborhood Action Council.

17. The opposition testified that the Church's operations adversely affect the neighborhood because the Church itself is a bad neighbor. Although the opposition has bought their concerns to the Church, they alleged that the Church has basically disregarded these concerns and continued to operate in the same matter. The opposition testified that the Church members double park in unbroken rows along both sides of the 1400 block of 6th Street and adjacent streets. The double parking continues for the duration of the Church's services. This occurs on weekdays, weeknights and on Sunday mornings. This results in residents' cars being regularly trapped along the curbs and in their driveways. Said parking also creates a serious traffic impact on 6th Street which is a major artery for ambulances en route to the Howard University Hospital. After receiving no consideration from the Church, the opposition testified that they petitioned the D.C. Police Department to enforce the traffic violations. Although the offenders are ticked, the practice of double parking continues. The opposition introduced photos to the record in support of their testimony concerning traffic violations, marked as Exhibit No. 25 of the record.

18. The opposition testified that it was incumbent upon them at times to interrupt the Church's services to request a car owner to remove a car so that the residents could get to a car parked on the street. At times, the opposition suffered verbal abuse from the violators.

19. The opposition argued that because of the saturation of churches, schools and playgrounds in the area, there was much noise and litter problems. The proposed facility would further exacerbate these concerns.

20. The opposition further argued that the subject facility is not needed in the neighborhood. There are abundant school facilities in the area. In addition, these facilities provide some parking on site. The opposition questioned whether the existing building owned by the Church could not be used for the proposed education programs. The opposition suggested that a further professional study be made of the suitability of the existing building for educational purposes. They further suggested that if the building could not be so used, that the building be razed in lieu of its standing idle and deteriorating on the site. The applicant could then reformulate its building plans without involving a further building on the site which involves such extensive area variances.

21. The Board concurs with the opposition that the applicant has demonstrated little concern over the parking and traffic issues that had been brought to its attention by the concerned citizenry. The applicant has offered little evidence that it introduced policies to alleviate such concerns. The fact that the Church provides no parking facilities for its activities places a greater burden upon it to take measures to protect the use of neighboring properties from adverse affects imposed by its congregation. The Church has not done this. There is nothing in the record to reflect that the Church intends to do anything in the future.

22. The Board finds that there is merit in the opposition's arguments that the applicant review its building plans in light of other possibilities of the use of the subject land. As to the issue of the use of existing school facilities the Board is not persuaded. A church and a religious education building or Sunday school are uses permitted as a matter-of-right. The Church has the right to foster an education over which it has control. A Church has the right to educate and indoctrinate its children with its religion beliefs. However, the Board finds that the applicant has not demonstrate why its activities should be intensified with the expanded building, in light of the detrimental nature of the present use and building.

23. Advisory Neighborhood Commission 2C filed no report on the application.

CONCLUSIONS OF LAW AND OPINION:

Based upon the findings of fact and the evidence of record, the Board concludes that the applicant is seeking

two area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board concludes that the applicant has not demonstrated that there is a unique or exceptional condition inherent in the property that meets the test of practical difficulty. Rather, the Board concludes that the subject site is too small to accommodate the density of the proposed facility. The Board also notes that the extent of the variances, 24.3 percent for lot occupancy and sixty percent for the rear yard, are extensive.

The Board further concludes the proposed facility will be of substantial detriment to the public good. Present Church activities have adversely affected adjoining and nearby property because of the lack of off-street parking facilities for the Church and the applicant's failure to exercise some control over its membership in regard to the concerns expressed by the neighboring residents. The proposed facility will further aggravate that problem and the applicant has formulated no plans to alleviate the traffic impact.

The Board is further of the opinion that the granting of the relief, because of the extensive nature of the variances, would substantially impair the intent, integrity and purpose of the zone plan. Accordingly, it is ORDERED that the application is hereby DENIED.

VOTE: 4-0 (Carrie Thornhill, Douglas J. Patton and William F. McIntosh to deny; Walter B. Lewis to deny by proxy; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: JAN 18 1984

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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